

ORIGINAL COPY  
 TO  
 U.S. DIST. CT  
 RECEIVED  
 IN THE UNITED STATES DISTRICT COURT  
 FOR THE MIDDLE DISTRICT OF ALABAMA  
 JAN 20 A 9:35  
 NORTHERN DIVISION

RICKY WADE DAVIS, PRO SE  
 PLAINTIFF

J.

GUENDOLYN MOSLEY,  
 WARDEN III, ET. AL.  
 DEFENDANT

2:06-CV-10-MEF

### MOTION FOR THE APPOINTMENT OF COUNSEL

Comes now the Plaintiff, Ricky Wade Davis-#173073, a state prisoner, pro se, with assistance of prisoner, Thomas Otter Adams-#100612, who before this Honorable Court, UNITED STATES MAGISTRATE JUDGE, DELORES R. Boyd, prays to be granted appointment of Counsel, pursuant to the 28 U.S.C. §, 1915 (e)(1),

to support this motion, the Plaintiff Davis states;

### Supporting Facts

- (1) PLAINTIFF is financially unable to afford counsel in this action, and has requested for leave to proceed in forma pauperis.
- (2) PLAINTIFF has mailed to the clerk of the Court, DEBRA HICKERT, the total amount of \$250.00, two hundred and fifty dollars, as ordered on January 6, 2006, by this Court.
- (3) THE COMPLAINT IN THIS CASE ALLEGES THAT THE PLAINTIFF DAVIS, AND OTHERS, HELD IN THE SEGREGATION UNIT OF EASTERNING CORRECTIONAL FACILITIES, S B, ARE, WERE AND WILL LIKELY BE SUBJECTED TO THE MISUSE OF FORCE BY CORRECTIONAL OFFICERS, SOME OF WHOM HAVE ACTIVELY PARTICIPATED AND OTHERS WHO HAVE WATCHED/WITNESSED AND FAILED TO INTERVENE.
- (4) THIS COMPLAINT ALLEGES THAT SUPERVISORS WERE AWARE OF THE VIOLENT PROPENSITIES OF THESE OFFICERS AND ARE LIABLE FOR FAILING TO TAKE ANY ACTIONS TO CONTROL THEM.

(5) THE PLAINTIFF'S PRESENT IMPRISONMENT AND CONFINEMENT IN THE SEQUESTRATION UNIT WILL SEVERELY LIMIT HIS ABILITY TO RESEARCH AND THEN LITIGATE. PLAINTIFF CONTENDS THAT THE "LAW LIBRARY" VISITS SEQ. UNIT ONCE OR TWICE A WEEK, PLAINTIFF HAS VERY LIMITED ACCESS TO LAW LIBRARY, AND ABSOLUTELY NO KNOWLEDGE OF LAW.

(6) PLAINTIFF SUBMITS FOR THE COURT'S OWN EXAMINATION A "SAMPLE" OF INMATE DAVIS OWN HAND-WRITING, IN HIS PERSONAL REQUEST TO THE COURT FOR AN APPOINTED ATTORNEY. (PLAINTIFF'S EXHIBIT #1). (PLAINTIFF'S EXHIBIT #2), (PLAINTIFF'S EXHIBIT #3).

(7) PLAINTIFF DAVIS IS SERVING AND "INDEFINITE" SENTENCE IN SB, SEQUESTRATION UNIT, FOR THIS REASON, THE PLAINTIFF HAS NO ABILITY TO EVEN INVESTIGATE THE FACTS OF THIS COMPLAINT.

(8) PLAINTIFF DAVIS, HAS ALREADY DEMANDED A JURY TRIAL.

(9) THIS ACTION WILL REQUIRE THE DISCOVERY OF DOCUMENTS AND DEPOSITIONS OF A NUMBER  
(2)

of WITNESSES,

(10) THE TESTIMONY IN THIS ACTION WILL BE IN SHARP CONFLICT AND AN ATTORNEY WOULD BETTER EXAMINE AND COUNTER THE PLAINTIFF DAVIS, TO PRESENT EVIDENCE AND THEN CROSS-EXAMINE.

(11) AS IS SET FORTH IN THE MEMORANDUM OF LAW SUBMITTED WITH THIS MOTION, THESE FACTS, ALONG WITH THE LEGAL MERIT OF THE PLAINTIFF'S CLAIMS ALSO SUPPORTS THE APPOINTMENT OF AN ATTORNEY TO REPRESENT PLAINTIFF RICKY WADE DAVIS.

I, HEREBY CERTIFY AND AFFIRM UNDER OATH AND BY SIGNATURE THAT THE FOREGOING MOTION FOR THE APPOINTMENT OF COUNSEL IS TRUE AND CORRECT TO THE BEST OF MY BELIEF AND KNOWLEDGE.

DONE THIS DAY OF 1/18/06, 2006

X RICKY W DAVIS #173073  
RICKY WADE DAVIS- 170373

PURSUANT TO JOHNSON V. AUSTIN 393 U.S. 483 (1969)  
Thomas Adams - 100612

(3)